

REMARKS

Claims 94-116 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

In the outstanding Office Action the Examiner has asserted that the present application contains the following groups of inventions which are not so linked as to form a single general inventive concept pursuant to PCT Rule 13.1:

Group I, claims 94-105, drawn to a method of making glycoconjugates.

Group II, claims 106, and 109-111, drawn to a glycoconjugate mixture.

Group III, claim 107, drawn to a neoglycolipid.

Group IV, claim 108, drawn to method of marking a product with a glycoconjugate.

Group V, claims 112-114, drawn to a method of making a saccharide-polyol conjugate.

Group VI, claims 115-116, drawn to saccharide-polyol conjugate.

The Examiner has asserted that the invention as listed above cannot relate to a single general inventive concept since, under PCT Rule 13.2, they allegedly lack the same or corresponding special technical features. Applicants respectfully traverse.

Although this Unity of the Invention rejection is traversed, Applicants hereby elect Group I, directed to claims 94-105, drawn to a method of making glycoconjugates.

Applicants point out that the present claims are directed to a method. There is no indication of a similar method in the prior art indicated by the Examiner. The Examiner's citation of Tibor Mora (US 2,719,179) is inappropriate since Tibor Mora does not disclose and does not enable the present method but methods of producing homopolymers of a single

saccharide type. The Examiner refers to col. 3 lines 16-19 indicating a glucose tetra-saccharide. This is not relevant because i) the tetrasaccharide was indicated as a substrate not a product of the reaction; and ii) Tibor Mora does not disclose and does not enable forming linkages between different types of saccharides as disclosed in the invention such as in claim 94.

The Examiner's citation of Shah et al. (WO 98/41545) is also inappropriate since Shah et al. do not disclose the present synthesis of the exact product obtained by the method of claim 112 comprising equimolar amounts of saccharide and polyol in conjugate. The product disclosed in Shah et al. is a highly branched polymer produced from monosaccharides.

In view of the above, the Examiner's restriction is traversed.

The Examiner has also required that Applicants select specific species as discussed at page 3 of the outstanding Office Action. Within the context of claims 94, 97 and 99 which follow the elected group, Applicants provide the following election of species.

Claim 94 (i.e., glyconjugate): Gal and GlcNAc;

Claim 97: hydrochloric acid; and

Claim 99: sorbitol.

It is Applicants' understanding that this election of species serves as a starting point for search and examination purposes only. Upon indication of allowable subject matter for the elected species, the Examiner is required to expand the search to include other known elected species with the intent of finding all species encompassed by the claims ultimately allowable.

In view of the above, favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Registration

Application No.: 10/530,126

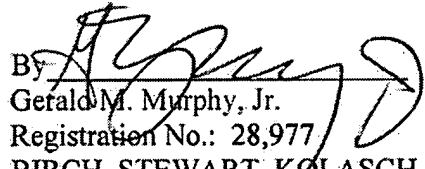
Docket No.: 0933-0240PUS1

No 42,874 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 3, 2007

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant